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June 30, 2010

Mr. Corbin Davis
Supreme Court Clerk
PO Box 30052
Lansing, MI 48909

Re: ADM File No. 2010-08

Dear Mr. Davis:

The State Appellate Defender Office endorses Proposed Administrative Order No. 2010-X regarding Caseflow Management Guidelines. The current 91-day track leads to rushed criminal proceedings that severely impede just results. Attorneys are often unable to complete investigation and adequately prepare for trial within the limited time frame. The most serious or complicated life offenses are scheduled with the same rush to judgment as straightforward, lower level offenses. In some cases, potentially exculpatory DNA is not analyzed within the 91 days, and trial courts have required that cases go forward without this crucial evidence or dismissed the case to avoid missing the 91-day deadline.

Increasing the time to adjudication in criminal cases to 154 days for 90% of the cases would ameliorate many of these concerns.

SADO has one suggested change that will clarify that judges should exercise freely their discretion to increase the time to adjudication in those cases that warrant a lengthier process. The language that the SCAO "does not intend to use these data in a punitive fashion or to publish these data for public review" should be modified to "these data will not be used in a punitive fashion nor be published for public review."

Thank you for considering these comments.

Sincerely,

Jim Neuhard
Director
State Appellate Defender Office